



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Communications (August 29, 1995 through September 26, 1995)

**MEETING DATE:** October 4, 1995

**PREPARED BY:** Assistant City Manager

**RECOMMENDED ACTION:** That the City Council by motion action deny the following verified claims filed against the City of Lodi.

G. 1 a, b, c

- a) Dale Buirch, date of loss 08/05/95
- b) Maria Ruiz, date of loss 04/20/95
- c) Phillip Shumate, date of loss 06/27/95

**BACKGROUND INFORMATION:** Following review of the verified claims filed against the City of Lodi, the City Attorney and/or the City's Contract Administrator, Insurance Consulting Associates, Inc. (ICA) recommend that the City Council deny the subject claims.

**FUNDING:** None required.

Respectfully Submitted,

*Jamra Brachar*  
for  
Jerry L. Glenn  
Assistant City Manager

JLG:tp

APPROVED: \_\_\_\_\_

*Thomas A. Peterson*  
THOMAS A. PETERSON  
City Manager

CITY COUNCIL

STEPHEN J. MANN, Mayor  
DAVID P. WARNER  
Mayor Pro Tempore  
RAY G. DAVENPORT  
PHILLIP A. PENNINO  
JACK A. SIEGLOCK

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
FAX (209) 333-6807

THOMAS A. PETERSON  
City Manager  
JENNIFER M. PERRIN  
City Clerk  
BOB McNATT  
City Attorney

## Notice of Claim Rejection

October 5, 1995

Dale Buirch  
209 S. California Street  
Lodi, CA 95240

RE: Claim against the City of Lodi  
Date of Loss: 08/12/95

Dear Mr. Buirch:


Notice is hereby given that the claim you presented to the City on Lodi on August 22, 1995, is rejected as of the date of this letter.

### Warning

Subject to certain exemptions, you have only six (6) months from the date that this notice was personally delivered or deposited in the mail to file a court action on your state law claims. See Government Code Section 945.6. The six month time limit referred to in this notice applies only to claims or causes of action which are governed by the California Tort Claims Act which does not apply to federal causes of action. Additionally, the Tort Claims Act contains certain exemptions. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult with an attorney, you should do so immediately.

Please also be advised that, pursuant to Sections 128.5 and 1038 of the California Code of Civil Procedure, the City will seek to recover all costs of defense in the event an action is filed in this matter and it is determined that the action was not brought in good faith and with reasonable cause.

Sincerely,

  
Jennifer Perrin  
City Clerk

cc: Insurance Consulting Associates

CITY COUNCIL

STEPHEN J. MANN, Mayor  
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Mayor Pro Tempore  
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City Attorney

## Notice of Claim Rejection

October 5, 1995

Edward G. Brooks  
Attorney at Law  
P.O. box 763  
Lockeford, CA 95237

RE: Claim of Maria Ruiz; Enrique and Vannessa Hernandez, minors vs. City of Lodi  
Date of Loss: 04/20/95

Dear Mr. Brooks:

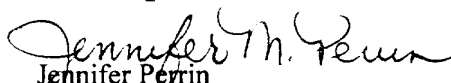
Notice is hereby given that the claim you presented to the City on Lodi on September 11, 1995, is rejected as of the date of this letter.

### Warning

Subject to certain exemptions, you have only six (6) months from the date that this notice was personally delivered or deposited in the mail to file a court action on your state law claims. See Government Code Section 945.6. The six month time limit referred to in this notice applies only to claims or causes of action which are governed by the California Tort Claims Act which does not apply to federal causes of action. Additionally, the Tort Claims Act contains certain exemptions. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult with an attorney, you should do so immediately.

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Sincerely,

  
Jennifer Perrin  
City Clerk

CITY COUNCIL

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City Attorney

## Notice of Claim Rejection

October 5, 1995

Phillip Ryan Shumate  
16031 North Moore road  
Lodi, CA 95242

RE: Claim against the City of Lodi  
Date of Loss: 06/27/95

Dear Mr. Shumate:


Notice is hereby given that the claim you presented to the City on Lodi on July 19, 1995, is rejected as of the date of this letter.

### Warning

Subject to certain exemptions, you have only six (6) months from the date that this notice was personally delivered or deposited in the mail to file a court action on your state law claims. See Government Code Section 945.6. The six month time limit referred to in this notice applies only to claims or causes of action which are governed by the California Tort Claims Act which does not apply to federal causes of action. Additionally, the Tort Claims Act contains certain exemptions. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult with an attorney, you should do so immediately.

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Sincerely,

  
Jennifer Perrin  
City Clerk